

REMARKS

Status

Claims 1-19 were originally filed. In response to a Restriction Requirement, claims 11-19 are canceled herein. Accordingly, it is now claims 1-10, as amended, which are at issue.

The Office Action

In the Office Action mailed March 22, 2006, the Examiner restated the Restriction Requirement made orally, during a prior telephonic interview. Claims 1-10, all claims then pending following the Restriction Requirement, were rejected.

Claims 1-2 and 5-9 were rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent 5,356,803 of Carpenter. Claims 1-3 and 9 were rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent 5,320,805 of Kramer. Claims 1 and 4 were rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent 6,522,918 of Crisp.

Claims 1-2 and 5-10 were rejected under 35 U.S.C. §102 as anticipated by, or in the alternative under 35 U.S.C. §103 as being obvious over U.S. Patent 6,939,568 of Burrell. Claim 10 was rejected under 35 U.S.C. §103 as being unpatentable over Carpenter '803 in view of Burrell '568.

Applicant thanks the Examiner for the Office Action, the search, and for the thorough explanation of the basis of the rejections.

The Restriction Requirement

On March 13, 2006, the Examiner made a telephonic Restriction Requirement whereby Applicant was required to elect between claims of Group I, namely claims 1-10, and Group II, namely claims 11-19, for prosecution on the merits. At the time, Applicant's attorney elected the

claims of Group I, namely claims directed to the method of treatment, for prosecution. The election was made without traverse.

By this response, Applicant hereby reaffirms that election, and the reaffirmation is made without traverse. Applicant hereby cancels article claims 11-19, and reserves the right to file one or more divisional applications directed to the subject matter thereof.

The Amended Claims

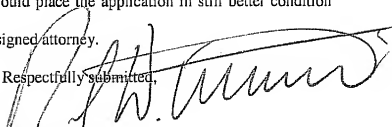
By the present amendment, Applicant has rewritten all pending claims to specifically restrict the method to the use of guaifenesin for treating microbial mediated dermatological conditions by disrupting a microbial biofilm. This amendment was made in the interest of expediting prosecution of this application. Applicant, in making this amendment, is not conceding the unpatentability of any other of the subject matter of the originally pending claims.

Claim 1, and claims 2-10 dependent thereupon, are all in condition for allowance. The claims all require that the therapeutic agent includes guaifenesin. There is no teaching in any of the prior art of the use of guaifenesin for disrupting a biofilm in any method or composition for the treatment of a dermatological condition. Furthermore, there is no teaching in the prior art in general of the use of guaifenesin in any type of topical composition, much less any topical composition for the treatment of microbe mediated dermatological conditions. Likewise, there is no teaching in the prior art of the use of guaifenesin for disrupting microbial biofilms. Therefore, the subject matter of pending claims 1-10 is novel and nonobvious in view of the prior art.

Conclusion

The application is now in condition for allowance. Any questions, comments or suggestions the Examiner may have which would place the application in still better condition for allowance, should be directed to the undersigned attorney.

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